

Document Page 1 of 23
UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF PENNSYLVANIA
ROBERT N.C. NIX BUILDING
900 MARKET STREET
SUITE 400
PHILADELPHIA 19107-4299

Timothy B. McGrath
Clerk

Telephone
(215) 408-2800

January 27, 2017

Re: John J. Lynch
vs.
Evelyn Rivera
Bank of America
Bayshore Loan Servicing
KML Group, Inc.
Bankruptcy No.: 16-16269AMC Adversary 16-301
Civil Action No. 16-5493

Dear Mary C. Barkman, Clerk of Court:

We herewith transmit the following document(s) filed in the above matter(s), together with a certified copy of the docket entries:

- ☐ Certificate of appeal from order entered by the Honorable .
Notice of appeal filing fee ☐paid ☐not paid
- ☐ Designation of Record on Appeal Filed
- ☐ Designation of Record on Appeal Not Filed
- ☐ Supplemental certificate of appeal.
- ☐ Motion for leave to appeal filed .
☐ Answer to motion filed .
- ☐ Proposed findings of fact and conclusions of law entered by the Honorable .
☐ Objections filed .
- ☐ Report and recommendation entered by the Honorable .
☐ Objections filed .
- ☐ Original record transferred to the District Court pursuant to the order of the Honorable .
- ☒ Other: Petition to Proceed In Forma Pauperis and Motion/Petition to Consolidate for Appeal

Kindly acknowledge receipt on the copy of the letter provided.

For the Court

Timothy B. McGrath
Clerk

Stacey

By: _____
Deputy Clerk

Received Above material or record file this _____ day of _____, 20_____ .

Civil Action No. _____ Signature: _____

Miscellaneous No. _____ Date: _____

Assigned to Judge _____

In the United States Bankruptcy Court
For the Eastern District of Pennsylvania

John J. Lynch

No. # 1600301-2016 AMC

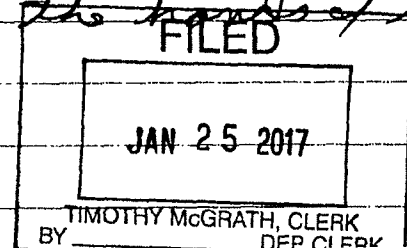
Evelyn Rivera

In Re Evelyn Rivera No. # 16269-2016 AMC

By adversary
Motion/Petition to Consolidate for Appeal
to the Chief Judge of the Court;

John J. Lynch adversary Petitions and/or
otherwise moves to consolidate the above
captioned matters for appeal before
the United States District Court for the
Eastern District of Pennsylvania,
and represents the following:

1. As it is illustrated by the exhibits attached
to the Petition to appeal Nunc Pro Tunc
the order of the court was delayed
in being delivered into the hands of the
appellant,



FILED 01/30/17

2. The issues as to non discharge ability
ring in both matters.
3. the issues as to the insurance coverage
being accessible to the appellant under
Pa. R. C. P. 3159 A (4) ring in both
matters
4. That by filing a Bankruptcy before this
Court the Petitioner opened the door
and placed the entire estate including
the ~~the~~ issue of the insurance payout,
as well as loss of lien priority for lack of
that required coverage on the interest of
Both the owner, and other interested parties
in the estate.
5. That the adversary holds judgement
for personal injury of a permanent nature
to his left eye, caused by the debtors
willful conduct in opening a locked door
to dangerous, and violent persons, and did
bring a violent episode into the adversary
Residence as discussed in Petitioners response
to motion to dismiss, instead of waiting for
the police to arrive.

6. That the "Estate" must produce the Insurance information so a claim may be processed, and paid or suffer the loss in the amount owed by the judicial lien for the willful conduct that caused the injury as stated.
7. That it is economic and time saving in the consideration of the matter for appeal,

Respectfully
Submitted
Josh Lynch
1-18-17

Certificate of Service

I John J Lynch certifies herein that I have served the attached I F P, and notice of appeal upon the persons listed below by 1st class mail on the 18th day of January 2017 (along with Motion to Consolidate)

John J Lynch

1. Jennifer Schultz Esq
1410 West Erie Ave
Phila PA, 19104

2. Gary F Deitz Esq
U.S. Trustee
601 Walnut St
suite # 280
Phila PA, 19106

3. Representing Bayview
KML Group LLC
701 Market St
Phila PA 19106

3. Evelyn Riviera
10814 Modena Terr.
Phila PA, 19154

In The United States Bankruptcy Court
For the Eastern District of Pennsylvania

In Re: Evelyn Rivera ^{At} Bankruptcy No # 16-16269-2016

John J. Lynch

Evelyn Rivera

Adversary Complaint No # 1600301 AM

2016

appealed

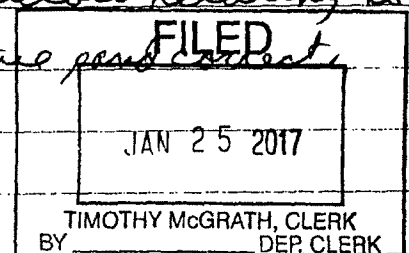
Petition to Proceed In Forma Pauperis

To: the Judges of the United States Bankruptcy Court

1. I John J. Lynch am the creditor/Plaintiff in the above "matters" and because of my financial condition I am unable to pay the fees, and cost of prosecuting the appeals in the action/proceedings stated,
2. I am unable to obtain funds from anyone, including my family, and associates, to pay the cost of litigation
3. I represent that the information below relating to my ability to pay fees/cost are true and correct.

a. name - John J. Lynch

3281 Red Lion Rd apt 1
Phila PA, 19114



b. Employment - none

c. Other income within the past 12 months

Business or Profession - none

Self employment - none

Interest - none

Dividends - none

Pension - 1075.00 VA,

Social Security - none

Support payments - none

Disability payments - none - or see pensions.

Unemployment Comp - none

Workers comp - none

Public Assist. - 26.00 food stamps + (H, U, D, V, A, S, H)

Other - none

d. Other contributions to household.

none

e. Property owned

Cash - none

Checking - (-4.35) citizens

Savings - none

Cert of Deposit - none

Real Estate - none

Motor Vehicle - 99 Chevy Broke down

stocks and bonds - none
other - none

F. Debts and obligations

Phone 40.00 mo, Elect. 75.00 mo, GAS 75.00 mo
Rent - 195.00
LOANS - 1,500.00 Ship Motors
- 300.00 Mom
other - Medical Bills 15,000.00

ARIA health system

g. Persons dependent upon you for support
none - help mom out with money
when I can, she 84 yrs

4 I understand that I have a continuing obligation to inform the Court of improvements in my financial circumstances which would permit me to pay the cost incurred herein,

5 I verify that the statements made herein this affidavit are true and correct, I understand that false statements here in are subject to the penalties in the U.S.C.,

John J. Lynch

John J. Lynch
1-4-17

727OBJ, DISPOAP, DISMISSED, APPEAL

**U.S. Bankruptcy Court
Eastern District of Pennsylvania (Philadelphia)
Adversary Proceeding #: 16-00301-amc**

Assigned to: Judge Ashely M. Chan
Lead BK Case: 16-16269
Lead BK Title: Evelyn Rivera
Lead BK Chapter: 7
Demand: \$50000

Date Filed: 09/12/16
Date Dismissed: 11/30/16

Nature[s] of Suit: 21 Validity, priority or extent of lien or other interest in property
31 Approval of sale of property of estate and of a co-owner - 363(h)
41 Objection / revocation of discharge - 727(c),(d),(e)
68 Dischargeability - 523(a)(6), willful and malicious injury
91 Declaratory judgment

Plaintiff

John J. Lynch
3281 Red Lion Road
Apt. #1
Philadelphia, PA 19114

represented by **John J. Lynch**
PRO SE

V.

Defendant

Evelyn Rivera
10814 Modena Ter
Philadelphia, PA 19154
SSN / ITIN: xxx-xx-2232

represented by **JENNIFER SCHULTZ**
Community Legal Services
North Philadelphia Law Center
1410 W. Erie Avenue
Philadelphia, PA 19140-4111
215 227-2400x2420
Fax : 215 227-2435
Email: jschultz@clsphila.org
LEAD ATTORNEY

Defendant

BANK OF AMERICA

represented by **KEVIN G. MCDONALD**
Blank Rome LLP
One Logan Square
Philadelphia, PA 19103
215-569-5582
Fax : 215-832-5582
Email: KMcdonald@blankrome.com

Defendant

Bayshore Loan Servicing









represented by **KEVIN G. MCDONALD**
(See above for address)








Defendant

KML Group, Inc.











represented by **THOMAS I. PULEO**
KML Law Group, P.C.
701 Market Street
Suite 5000
Philadelphia, PA 19106
(215) 627-1322
Fax : (215) 627-7734
Email: tpuleo@kmlawgroup.com

Filing Date	#	Docket Text
09/12/2016	<u>1</u>	Adversary case 16-00301. Complaint by John J. Lynch against Evelyn Rivera , BANK OF AMERICA , Bayshore Loan Servicing , KML Group, Inc. . Fee Amount \$0.00 . (Attachments: # <u>1</u> Adversary Coversheet # <u>2</u> Certificate of Service) (21 (Validity, priority or extent of lien or other interest in property)) ,(31 (Approval of sale of property of estate and of a co-owner - 363(h))) ,(41 (Objection / revocation of discharge - 727(c),(d),(e))) ,(68 (Dischargeability - 523(a)(6), willful and malicious injury)) ,(91 (Declaratory judgment)) (G., Jennifer) (Entered: 09/12/2016)
09/12/2016	<u>2</u>	Petition to Proceed In Forma Pauperis Filed by John J. Lynch (related document(s) <u>1</u>). (G., Jennifer) (Entered: 09/12/2016)
09/12/2016	<u>3</u>	1 Summons Issued to Plaintiff(s) to be served upon Defendant(s) BANK OF AMERICA Date Issued 9/12/2016,


		Answer Due 10/12/2016; Bayshore Loan Servicing Date Issued 9/12/2016, Answer Due 10/12/2016; KML Group, Inc. Date Issued 9/12/2016, Answer Due 10/12/2016; Evelyn Rivera Date Issued 9/12/2016, Answer Due 10/12/2016. (G., Jennifer) (Entered: 09/12/2016)
09/12/2016	 <u>4</u>	Court's Certificate of Mailing. Number of notices: 1 John J. Lynch(pla)(related document(s) <u>1</u> , <u>3</u>). (G., Jennifer) (Entered: 09/12/2016)
09/26/2016	 <u>5</u>	Summons Service Executed on BANK OF AMERICA 9/26/2016; Bayshore Loan Servicing 9/26/2016; KML Group, Inc. 9/26/2016; Evelyn Rivera 9/26/2016 . (D., Stacey) (Entered: 09/27/2016)
09/26/2016	 <u>6</u>	Order Re: Upon consideration of the petition to proceed in Forma Pauperis, it is hereby Ordered that the petition is Denied. Plaintiff shall have 30 days from the date of this order to pay the required filing fee. (related document(s) <u>2</u>). (D., Stacey) (Entered: 09/27/2016)
09/29/2016	 <u>7</u>	BNC Certificate of Mailing - PDF Document. (related document(s) (Related Doc # <u>6</u>)). No. of Notices: 3. Notice Date 09/29/2016. (Admin.) (Entered: 09/30/2016)
10/10/2016	 <u>8</u>	Motion to Dismiss Adversary Proceeding Filed by KML Group, Inc. Represented by THOMAS I. PULEO (Counsel). (Attachments: # <u>1</u> Brief in Support of the Motion of Defendant, KML LAW GROUP,P.C., to Dismiss Plaintiff's Adversary Complaint # <u>2</u> Exhibit A-H # <u>3</u> Proposed Order # <u>4</u> Service List) (PULEO, THOMAS) (Entered: 10/10/2016)
10/10/2016	 <u>9</u>	Notice of (related document(s): <u>8</u> Motion to Dismiss Adversary Proceeding) Filed by KML Group, Inc.. Hearing scheduled 11/16/2016 at 11:00 AM at nix5 - Courtroom #5. (Attachments: # <u>1</u> Service List)(PULEO, THOMAS) (Entered: 10/10/2016)
10/12/2016	 <u>10</u>	Motion to Dismiss Adversary Proceeding Filed by Evelyn Rivera Represented by JENNIFER SCHULTZ (Counsel). (Attachments: # <u>1</u> Proposed Order # <u>2</u> Service List # <u>3</u> Volume(s) brief in support) (SCHULTZ, JENNIFER) (Entered: 10/12/2016)
10/12/2016	 <u>11</u>	Notice of Appearance and Request for Notice <i>with Certificate of</i>

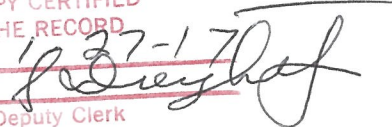
		Service by KEVIN G. MCDONALD Filed by KEVIN G. MCDONALD on behalf of BANK OF AMERICA, Bayshore Loan Servicing. (MCDONALD, KEVIN) (Entered: 10/12/2016)
10/12/2016	 <u>12</u>	Notice of (related document(s): <u>10</u> Motion to Dismiss Adversary Proceeding) Filed by Evelyn Rivera. Hearing scheduled 11/16/2016 at 11:00 AM at nix5 - Courtroom #5. (SCHULTZ, JENNIFER) (Entered: 10/12/2016)
10/12/2016	 <u>13</u>	Certificate of Service Filed by JENNIFER SCHULTZ on behalf of Evelyn Rivera (related document(s) <u>10</u> , <u>12</u>). (SCHULTZ, JENNIFER) (Entered: 10/12/2016)
10/12/2016	 <u>14</u>	Motion to Dismiss Case. Motion to Dismiss Adversary Complaint Filed by BANK OF AMERICA, Bayshore Loan Servicing Represented by KEVIN G. MCDONALD (Counsel). (Attachments: # <u>1</u> Memorandum of Law in Support # <u>2</u> Exhibits 1-5 # <u>3</u> Proposed Order # <u>4</u> Service List # <u>5</u> Notice of Motion to Dismiss) (MCDONALD, KEVIN) (Entered: 10/12/2016)
10/13/2016	 <u>15</u>	Notice of (related document(s): <u>14</u> Motion to Dismiss Case. Motion to Dismiss Adversary Complaint) Filed by BANK OF AMERICA , Bayshore Loan Servicing . Hearing scheduled 11/16/2016 at 11:00 AM at nix5 - Courtroom #5. (D., Stacey) (Entered: 10/13/2016)
10/14/2016	 <u>16</u>	Notice of Appeal to District Court . Receipt Number 0, Fee Amount \$0 Filed by John J. Lynch (related document(s) <u>6</u>). Appellant Designation due by 10/28/2016. Transmission of record on appeal to District Court Due Date:11/11/2016. cc: Judge Ashely M. Chan, District Court, Jennifer Schultz, Kevin McDonald, Thomas Puelo, United States Trustee, Gary Seitz, John J. Lynch. (D., Stacey) Additional attachment(s) added on 10/18/2016 (D., Stacey). (Entered: 10/18/2016)
10/18/2016	 <u>17</u>	Court's Certificate of Mailing. Number of notices: 8, Judge Ashely M. Chan, District Court, Jennifer Schultz, Kevin McDonald, Thomas Puelo, U.S. Trustee, Gary Seitz, John Lynch. (related document(s) <u>16</u>). (D., Stacey) Modified on 10/18/2016 (D., Stacey). (Entered: 10/18/2016)
10/18/2016	 <u>18</u>	Transmission of Notice of Appeal to District Court (related document(s) <u>16</u>). (D., Stacey) (Entered: 10/18/2016)

10/18/2016	● <u>19</u>	Hearing Continued on Motion to Dismiss Adversary Proceeding Filed by KML Group, Inc. Represented by THOMAS I. PULEO (Counsel), Motion to Dismiss Adversary Proceeding Filed by Evelyn Rivera Represented by JENNIFER SCHULTZ (Counsel). and Motion to Dismiss Case. Motion to Dismiss Adversary Complaint Filed by BANK OF AMERICA, Bayshore Loan Servicing Represented by KEVIN G. MCDONALD (Counsel). Hearing Rescheduled to 11/30/2016 at 11:00 AM at nix5 - Courtroom #5. (T., Barbara) (Entered: 10/18/2016)
10/18/2016	● <u>20</u>	Notice of Docketing Record on Appeal to District Court. Case Number: 16-5493 , Judge Rufe (related document(s) <u>16</u>). (D., Stacey) (Entered: 10/21/2016)
10/18/2016	● <u>21</u>	** Duplicate of Doc. # 20 ** Notice of Docketing Record on Appeal to District Court. Case Number: 16-5493, Judge Rufe. (related document(s) <u>16</u>). (D., Stacey) Modified on 10/25/2016 (D., Stacey). (Entered: 10/25/2016)
11/03/2016	● <u>22</u>	Response to Motion to Dismiss Case for Other filed by Defendant BANK OF AMERICA, Defendant Bayshore Loan Servicing Filed by John J. Lynch (related document(s) <u>14</u>). (D., Stacey) (Entered: 11/03/2016)
11/22/2016	● <u>23</u>	Transmittal of Record on Appeal to District Court (related documents <u>16</u> Notice of Appeal) Filed by John J. Lynch (# 16-5493) (related document(s) <u>16</u>). (D., Stacey) (Entered: 11/22/2016)
11/23/2016	● <u>24</u>	District Court Acknowledgement of receiving Notice of Appeal. # 16-5493. (related document(s) <u>16</u>). (D., Stacey) (Entered: 11/28/2016)
11/30/2016	● <u>25</u>	Hearing Held on <u>8</u> Motion to Dismiss Adversary Proceeding Filed by KML Group, Inc. Represented by THOMAS I. PULEO (Counsel). (Attachments: # 1 Brief in Support of the Motion of Defendant, KML LAW GROUP,P.C., to Dismiss Plaintiff's Adversary Complaint # 2 Exhibit A-H # 3 Proposed Order # 4 Service List) filed by Defendant KML Group, Inc., <u>10</u> Motion to Dismiss Adversary Proceeding Filed by Evelyn Rivera Represented by JENNIFER SCHULTZ (Counsel). (Attachments: # 1 Proposed Order # 2 Service List # 3 Volume(s) brief in support) filed by Defendant Evelyn Rivera,

		<u>14</u> Motion to Dismiss Case. Motion to Dismiss Adversary Complaint Filed by BANK OF AMERICA, Bayshore Loan Servicing Represented by KEVIN G. MCDONALD (Counsel). (Attachments: # 1 Memorandum of Law in Support # 2 Exhibits 1-5 # 3 Proposed Order # 4 Service List # 5 Notice of Motion to Dismiss) filed by Defendant BANK OF AMERICA, Defendant Bayshore Loan Servicing (related document(s), <u>14,8,10</u>). Order entered. (D., Stacey) (Entered: 12/01/2016)
11/30/2016	 <u>26</u>	Hearing Held on {8} <u>10 14</u> , Motion to dismiss adversary proceeding. Order entered. (D., Stacey) (Entered: 12/01/2016)
11/30/2016	 <u>27</u>	Hearing Held on 8 <u>10 14</u> Motion to dismiss adversary proceeding. Order entered. (D., Stacey) (Entered: 12/01/2016)
11/30/2016	 <u>28</u>	Order Granting Motion to Dismiss Adversary Proceeding with prejudice. (Related Doc # <u>10</u>) (D., Stacey) (Entered: 12/01/2016)
11/30/2016	 <u>29</u>	Order Granting Motion to Dismiss Adversary Proceeding with prejudice. (Related Doc # <u>8</u>) (D., Stacey) (Entered: 12/01/2016)
11/30/2016	 <u>30</u>	Order Granting Motion to Dismiss adversary complaint with prejudice. (Related Doc # <u>14</u>) (D., Stacey) (Entered: 12/01/2016)
12/01/2016		Disposition of Adversary 2:16-ap-301 dismissed (related document(s) <u>5, 1</u>). (D., Stacey) (Entered: 12/01/2016)
12/03/2016	 <u>31</u>	BNC Certificate of Mailing - PDF Document. (related document(s) (Related Doc # <u>28</u>)). No. of Notices: 3. Notice Date 12/03/2016. (Admin.) (Entered: 12/04/2016)
12/03/2016	 <u>32</u>	BNC Certificate of Mailing - PDF Document. (related document(s) (Related Doc # <u>29</u>)). No. of Notices: 3. Notice Date 12/03/2016. (Admin.) (Entered: 12/04/2016)
12/03/2016	 <u>33</u>	BNC Certificate of Mailing - PDF Document. (related document(s) (Related Doc # <u>30</u>)). No. of Notices: 3. Notice Date 12/03/2016. (Admin.) (Entered: 12/04/2016)
12/08/2016	 <u>34</u>	Copy of Order Re: The Appellant shall serve and file his brief within 15 days after the date of reassignment. The Appellee shall serve and file briefs within 15 days after service of the brief of

		the Appellant. The Appellant may serve and file a reply brief within 10 days after service of the brief of the Appellee . (D., Stacey) (Entered: 12/14/2016)
01/04/2017	<u>35</u>	Copy of Order Re: Upon review of the Court's records indicating that Appellant has not filed a brief in the above captioned matter despite a court order to do so by December 20, 2016 (Doc. #3), it is hereby Ordered that Appellant shall serve and file a brief by Wednesday, January 18, 2017. (D., Stacey) (Entered: 01/09/2017)
01/11/2017	<u>36</u>	BNC Certificate of Mailing - PDF Document. (related document(s) (Related Doc # <u>35</u>)). No. of Notices: 3. Notice Date 01/11/2017. (Admin.) (Entered: 01/12/2017)
01/18/2017	<u>37</u>	(Copy) Notice of Appeal to District Court. . Receipt Number 0, Fee Amount \$0 Filed by John J. Lynch (related document(s) <u>30</u> , <u>28</u> , <u>29</u>). Appellant Designation due by 2/1/2017. Transmission of record on appeal to District Court Due Date:2/15/2017. CC: Judge Chan, District Court, Jennifer Schultz, U.S. Trustee, Kevin McDonald, Gary Seitz, Thomas Puleo, John J. Lynch (1-20-17). (D., Stacey) (Entered: 01/20/2017)
01/20/2017	<u>38</u>	Court's Certificate of mailing of Notice of Appeal : CC: Judge Chan, U.S. District Court, United States Trustee, Jennifer Schultz, Kevin McDonald, Thomas Puleo, Gary Seitz, John J. Lynch. (related document(s) <u>37</u>). (D., Stacey) (Entered: 01/20/2017)
01/20/2017	<u>39</u>	Transmission of Notice of Appeal to District Court (related document(s) <u>37</u>). (D., Stacey) (Entered: 01/20/2017)
01/22/2017	<u>40</u>	BNC Certificate of Mailing - PDF Document. (related document(s) (Related Doc # <u>38</u>)). No. of Notices: 3. Notice Date 01/22/2017. (Admin.) (Entered: 01/23/2017)
01/23/2017	<u>41</u>	Original Notice of Appeal Filed by John J. Lynch . (D., Stacey) (Entered: 01/25/2017)
01/25/2017	<u>43</u>	Copy of Petition to Proceed In Forma Pauperis Filed by John J. Lynch . (D., Stacey) (Entered: 01/26/2017)
01/25/2017	<u>44</u>	Copy of Motion/Petition to Consolidate for Appeal Filed by John J. Lynch . (D., Stacey) (Entered: 01/26/2017)

01/26/2017	 <u>42</u>	Notice of Docketing Record on Appeal to District Court. Case Number: 17-0312, Judge Pratter (related document(s) <u>37</u>). (D., Stacey) (Entered: 01/26/2017)
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A TRUE COPY CERTIFIED
TO FROM THE RECORD
DATED: 1/30/17
ATTEST: 
Deputy Clerk
U.S. Bankruptcy Court